

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**JOHN M. ACKLES,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-133  
(GROH)**

**COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert [ECF No. 19], entered on August 30, 2018. Magistrate Judge Seibert recommends this claim be dismissed for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the R&R to which objection is made. However, failure to file objections permits the district court to review the R&R under the standard that it believes to be appropriate. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979).


Pursuant to Magistrate Judge Seibert’s R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6, objections were due within fourteen days after entry of the R&R. The R&R was mailed to the Plaintiff by certified mail on August 30, 2018, and returned as undeliverable. Accordingly, no objections have been filed. Thus, this Court reviewed the R&R for clear error.

In this matter, Magistrate Judge Seibert found the Plaintiff has failed to prosecute his case. It is the opinion of this Court that Magistrate Judge Seibert's Report and Recommendation [ECF No. 19] should be, and is, hereby **ORDERED ADOPTED**. Accordingly, this civil action is **DISMISSED WITH PREJUDICE**. This matter shall be **STRICKEN** from the Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter a separate order of judgment in favor of the Defendant and to transmit copies of this Order to all counsel of record herein and the *pro se* Plaintiff.

It is so **ORDERED**.

**DATED:** September 13, 2018

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE